

REMARKS

The Final Office Action mailed July 21, 2009, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 101

Claims 1-10 stand rejected under 35 U.S.C. § 101 as allegedly not falling within one of the four statutory categories of invention. Claim 1, from which the remaining claims depend, has been amended to expressly recited the manner in which the image is generated—that is, “generating, using either an emissive source located at the focal point, or an emissive substance absorbed by the object, divergent radiation from a focal point and passing through the object, the focal point being mobile about the object,” and “generating an image from a set of values of the property taken by points of the object using the divergent radiation.” In this manner, the recited process is tied to a machine, meeting that prong of the *Bilski* “machine or transformation” criteria.

Claim 1 has also been amended to recite steps such as “presenting an image of the object based on said reconstruction.” This addresses the concern in the Office Action of allegedly reciting a use without “any active, positive steps delimiting how this use is actually practiced.”

With regard to “deformable object,” applicants respectfully submit that a deformable object can in fact be a physical object, such as the beating heart whose shape changes, or deforms, as it beats. Discussion of beating heart and the like can be found for example in paragraphs [0004] – [0006].

Rejection(s) Under 35 U.S.C. § 112, Second Paragraph

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is believed that the amendments to claim 1 discussed above obviate this rejection and withdrawal of same is respectfully requested.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. This amendment does not raise new issues requiring further search. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,

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